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May 29, 2025

**Via ECF**

Honorable Colleen McMahon  
Senior United States District Judge  
United States District Court  
Southern District of New York

Re: United States v. Tommy Lin, 23-CR-000572-004

Dear Judge McMahon:

We represent the Defendant Tommy Lin, who will appear before Your Honor for sentencing on June 12, 2025. Mr. Lin has pled guilty to Conspiracy to Convert Records and Property from the United States.

We have reviewed the probation report with the Defendant. We have no objections to the report. In this submission, we hope to convince the Court that a non-custodial sentence with a community service component would be an appropriate sentence for this Defendant.

**PRESENTENCE INVESTIGATION**

Probation has determined the guidelines' offense level to be 11. The PSR also describes the facts underlying the Defendant's offense conduct, including numerous texts messages which relate to his role in the conspiracy. Most of the text messages are between "CC-1" and Chien, a member of the bank fraud conspiracy and one of the only members with whom the Defendant dealt. Mr. Lin also dealt with Henry Yau, who – while not a central member of the conspiracy – participated with the Defendant in his offense conduct.

In a statement of facts provided to Probation, we have tried to add some context to Mr. Lin's conduct and Chien's belief that Lin was more important than he actually was. We have also attempted to provide some background information to explain why Mr. Lin deviated from his normal conduct in associating himself with Chien. Throughout his life, Mr. Lin has been a decent

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man focused on his education, job, and family, who regularly volunteered his time to participate in community service. For the Court's convenience, we are including the statement of facts which was prepared for Probation, which outlines the Defendant's offense conduct:

The defendant Tommy Lin, having entered an early plea of guilty, accepts full responsibility for his conduct and offers no excuses. When asked why, having lived a lawful and responsible life he would get involved with a person who was engaged in unlawful activities, his response was, he has been asking himself the same question. He has deep regrets for the impact his actions have had and will have on his family as well as anybody who may have been harmed. He is extremely worried he will lose his job and be unable to support his family.

Tommy Lin's background may provide some insight into the lure he felt to associate with XU, who was the only member of the conspiracy he met. Lin suffers from cerebral palsy and has since birth. His ability to walk is significantly impaired. His gait is very awkward and strange. He is very self-conscious of his appearance, which often draws stares. He has few friends.

He met XU through a friend. XU was looking for an immigration attorney. Lin was thought to have good contacts because of his position with the City of New York. During his initial conversation with XU, Lin encouraged XU to believe he was more important than he really was. Lin exaggerated his position, responsibilities and contacts within City government. As a result of his exaggerated self-importance, XU saw Lin as an asset and would try to use him to further his scheme.

Lin was initially asked to provide names, addresses and social security numbers to XU for the purposes of setting up bank accounts. Lin had no access to social security numbers. To continue his charade of self-importance, he accessed public information on the internet and provided two names and dates of birth. Lin believed that without a social security number and a driver's license they would not be able to open an account. While he was promised money for his information, Lin was not given the promised payment and did not pursue the payment. While you should rely on the Government for this information, it is my understanding that no accounts were set up with the two names provided.

Lin was also asked to find people who would allow their names to be used to set up bank accounts. Lin never provided any names. He was asked to have competitors who were causing customer accounts to be frozen, arrested and jailed, which he never did.

He was asked to provide passports, which he could not and did not provide. Lin was asked to check the identity of a car XU believed to be operated by law enforcement. Lin simply made up a story and said it was undercover anti-crime. He was not paid for the information. Lin was asked if he could provide access to

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Canadian driver's licenses and social security cards. Again, he went on the internet and copied a sample driver's license and social security card with the number partially obscured. He was not paid for this information and was not asked to follow up. Again, the Government would be the source for this information, however it is my understanding it was never used.

Lin has entered a guilty plea to count one of the superseding information, conspiracy to convert records and property of the U.S.

XU reached out to Lin and asked Lin for help regarding a former member of the conspiracy who he was having trouble with. The details are outlined on page two of the information. XU transmitted a copy of the individual's driver's license and advised Lin that the individual had a Chinese passport and there should be a deportation order on him. Lin reached out to a person he knew, Henry Yau, who was an immigration officer. Lin sent him the subject's driver's license, advised him he thought there might be a deportation order on him. Yau got back to Lin and advised Lin the subject was here illegally, had a criminal record and would be arrested. Lin was paid \$20,000. Lin never heard from XU again. It is my understanding, the bank fraud conspiracy continued for another 2 years.

#### LETTERS OF SUPPORT

We are providing Court with letters of support submitted on behalf of Tommy Lin, as well as a certificate the Defendant received from the New York State Assembly. In particular, attached hereto as Exhibit A are the following materials:

1. A letter from Jimmy Lin and Yuchu Lin, the Defendant's parents (translation included);
2. A letter from Wellington Chen, Executive Member of the Chinatown Partnership Local Development Corporation;
3. A letter from Kenneth Chiu, Co-Founder and Vice President of Asian American Communities Empowerment;
4. A letter from Mark Benoit, Chief of Staff to the Public Advocate of the City of New York, the Defendant's prior employer;
5. A letter from Dr. Weining Lang, the Defendant's treating physician;
6. A Certificate of Merit, awarded by the New York State Assembly for the Defendant's outstanding contributions to the Chinatown community.

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The letter from the Defendant's parents, Jimmy and Yuchu Lin, includes a photograph of the Defendant and his mother accepting an award from the New York City Police Department, following Tommy's participation in the NYPD Explorers Program, which is a summer program offered by the department. His parents write:

As parents, we are immensely proud of Tommy's journey. Despite facing significant physical challenges since birth, he has never lost his passion for life. Through his unwavering effort and determination, Tommy has achieved remarkable success in academics, community service and personal growth. We firmly believe that Tommy is a person of high integrity and hope who will continue to contribute positively to society.

Kenneth Chiu writes about Tommy Lin's professionalism, kindness, reliability, and dedication to volunteer work and public service. Like others, Mr. Chiu attests to Tommy Lin's willingness to engage in community service.

Wellington Chen describes the Defendant's sincere remorse and his commitment to volunteerism, including an award he received for service to the community. Mr. Chen also expresses a willingness to supervise the Defendant's performance of community service, should the Court include community service as a component of the Defendant's sentence.

Dr. Weining Liang, Mr. Lin's treating physician, documents the Defendant's history of cerebral palsy and the impact which it has had upon his life.

Mark Benoit, the Defendant's prior supervisor, writes, "Mr. Lin possesses a terrific work ethic; he is responsible and responsive, a consummate team player and he is dedicated to the mission of this office: to help serve the most vulnerable among us."

### CONCLUSION

18 U.S.C. § 3553(a) provides that the Court shall impose a sentence sufficient, but not greater than necessary for the purpose of this subsection.

We have already discussed the nature and circumstances of the offense. The letters establish the Defendant's good character and dedication to others in the community, as well as his hard work and commitment to family. He certainly poses no risk to the public and is eligible for a non-custodial sentence. The Defendant's health condition is an additional compelling factor which must be considered in determining his sentence. Given his disability, incarceration would pose a significant and atypical risk to Tommy Lin. Finally, the Defendant's current employment is paramount to his ability to support his family. As the PSR documents, Mr. Lin lives a modest life. His home has limited space, given the number of family members he supports. His son sleeps in a living space and his mother-in-law sleeps in a converted room. His disability makes it difficult to walk. Also, his strange gait often results in stares. If he is incarcerated, he will surely lose his

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position with the city. Moreover, the Defendant's ability to find suitable employment will be difficult; it is a fact that the disabled are more likely to struggle finding employment than those not so afflicted.

In light of the foregoing, we are respectfully asking this Court to impose a sentence of probation with a community service component which would serve both the interests of justice as well as the community.

Respectfully submitted,

/s/ Stephen P. Scaring, Esq.

Scaring & Carman, PLLC

*Counsel for Tommy Lin*

666 Old Country Road, Suite 501

Garden City, New York 11530

(516) 683-8500

## **Exhibit A**

Jimmy Lin  
Yuchu Lin  
12/01/2024

## Personal Growth Report of Tommy Lin

### I. Personal Information

Our son, Tommy Lin, born on May 25, 1981, is the treasure of our family. He was born prematurely, weighing only about two pounds, and was diagnosed with cerebral palsy. After spending over three months in the hospital, he was finally discharged. From the very beginning, Tommy faced numerous health challenges. Despite this, he has consistently demonstrated remarkable resilience and optimism, never ceasing to strive for a better life.

### II. Health Challenges and Growth

As a result of his premature birth, Tommy has endured significant health challenges since childhood. At the age of five, he underwent his first hamstring release surgery to correct leg deformities and improve mobility. Following the surgery, he required ongoing physical therapy to rebuild muscle strength, maintain joint flexibility, and enhance functional movement.

At the age of 12, Tommy underwent a second surgery, necessitating further physical therapy. These procedures presented both physical and emotional challenges for him. Yet, even during the lengthy recovery periods, Tommy displayed extraordinary courage and determination.

Since his first surgery, Tommy has attended physical therapy sessions twice a week and has diligently practiced exercises at home after school to regain motor functions. The therapy was often painful, especially for a young child, requiring him to endure more discomfort and inconvenience than his peers. However, he never complained and instead encouraged himself and others by saying, "If I persevere, I'll get better."

### III. Education and Personal Growth

Despite his physical challenges, Tommy has excelled academically. During his time at PS124 Yung Wing School and JHS56, he maintained excellent grades, with notable achievements in environmental studies. His enthusiasm for learning never waned, even when his health caused him to miss classes. He made up for lost time through tutoring and independent study to keep pace with his peers.

Beyond academics, Tommy actively participated in school clubs and activities. For example, as a member of the American Red Cross Organization, he overcame his physical limitations to contribute to the team's efforts. His perseverance and optimism inspired those around him, earning him recognition from classmates and teachers who referred to him as "the partner who never gives up."

### IV. Community Contributions and Volunteer Service

Tommy has always been passionate about helping others. At 14, as his health improved, he

began engaging in community volunteer work. He was especially active in events organized by the New York Police Department. Despite his physical constraints, Tommy was always the first to arrive and the last to leave, ensuring every task was completed to the best of his ability.

One of his most notable contributions was his involvement in the **9/11 WTC Business and Retail Recovery Program** after the 9/11 attacks. He provided selfless assistance to members of the Chinese community affected by the tragedy. His efforts were highly praised by community residents, establishing him as a key figure in the neighborhood.

Additionally, Tommy volunteered for the Red Cross and the NYC Police Department, assisting with various initiatives. He was recognized with commendations for his dedication and enthusiasm, including awards for his work in Disaster Assistance, the NYPD Youth Explorer Program, and as an Auxiliary Police Officer in his local precinct.

Tommy's journey reflects not only his remarkable resilience but also his unwavering commitment to contributing positively to society, making him an inspiring example of determination and service.



## **V. Personal Character and Testimonials**

Tommy has always been a compassionate and responsible individual. Whether at school or in the community, he consistently shows care for the needs of others, especially those facing challenges. From a young age, Tommy demonstrated a level of maturity and accountability beyond his years, actively helping others and inspiring everyone around him.

Neighbors hold Tommy in high regard, often saying, "Tommy is the sunshine of our community. He is always there to help when we need him." His teachers also commend him, noting, "Tommy is not only an excellent student but also a responsible and caring individual. His perseverance and enthusiasm motivate his peers."

## **VI. Conclusion**

As parents, we are immensely proud of Tommy's journey. Despite facing significant physical challenges since birth, he has never lost his passion for life. Through his unwavering effort and determination, Tommy has achieved remarkable success in academics, community service, and personal growth. We firmly believe that Tommy is a person of integrity and hope who will continue to contribute positively to society.

Jimmy Lin  
Yuchu Lin  
12/01/2024

## Tommy Lin 的成长经历报告

### 一、个人基本信息

我儿子 Tommy Lin, 出生于1981年5月25日, 是我们家庭中的珍宝。由于早产 (cerebral palsy), 他出生时体重仅为两磅左右, 住院三个多月才出院, 从出生起他就面临着诸多健康挑战。尽管如此, 他从小便表现出惊人的毅力和乐观精神, 从未因此而停止追求更好的生活。

### 二、健康状况与成长中的挑战

由于早产, Tommy自幼经历了多次重大的健康挑战。他在5岁时接受了第一次腘绳肌松解术 (Hamstring Release Surgery)。矫正腿部畸形及运动障碍, 术后继续需要物理治疗, 以帮助恢复肌肉力量和关节的灵活性, 促进功能性行走和运动。后续又在12岁时进行了第二次手术。依然需要坚持物理治疗, 以帮助恢复肌肉力量和关节的灵活性, 这些手术对他来说既是身体上的巨大挑战, 也是心理上的考验。然而, 即便在术后长时间的康复治疗中, Tommy依然展现出非凡的勇气和坚持。

自从5岁手术后, Tommy每周都要接受2次医疗机构物理治疗, 每天放学回家都要自行锻炼以帮助他恢复运动功能。这些治疗过程往往是痛苦的, 尤其是在年幼时, 他必须忍受比其他同龄孩子更多的病痛和不便。但他从未抱怨过任何困难, 反而每次治疗后总会鼓励自己和他人: “只要坚持, 一定会好起来的。”

### 三、教育与个人成长

尽管身体有缺憾, Tommy在学业上也从未掉队。他在容闳小学PS124 和 初中JHS56 就读期间, 成绩优异, 尤其在环保方面表现出色。他始终保持着对学习的热情, 尽管身体状况导致他缺课, 他总是会通过补课和自主学习保持与同学们的进度同步。

除了学业, Tommy也积极参与学校的社团和活动。例如, 在红十字会社团中, 尽管他有身体上的不便, 他依然努力成为团队的一员, 并且多次获得同学和老师的表扬。他的坚毅与乐观感染了周围的同学, 大家都称他为“永不放弃的伙伴”。

### 四、社区贡献与志愿服务

Tommy从小便热衷于帮助他人。在他14岁时, 随着身体状况的好转, 他开始主动参与社区的志愿服务。他尤其积极参与纽约警察局活动。他尽管身体不便, 他总是第一个到场, 最后一个离开, 确保每一项工作都做到最好。

最为突出的贡献是在911事件后, Tommy积极参与了9/11 WTC Business and retail recovery program 他为许多在事件中受影响的华人社区成员提供了无私的帮助, 这不仅得到了社区居民的高度评价, 也使他成为了社区中的重要成员。

此外, Tommy还曾在红十字会, 警察局中担任义工, 协助。他获得了Disaster Assistance, NYPD Youth Explorer Program, and served as Auxiliary Police Officer within his local police precinct的表彰, 表扬他在志愿服务中表现出的责任感和热情。



## 五、个人品德与他人评价

Tommy一直是一个乐于助人、充满责任感的孩子。无论是在学校还是社区中，他总是关心他人的需要，尤其是那些面临困境的人。他从小便展现出一种超越年龄的成熟与担当，积极帮助他人，感染了周围的每一个人。

邻居们对Tommy的评价非常高，说：“Tommy是我们社区的阳光。他总是在我们需要的时候站出来帮助我们。”他的老师也提到：“Tommy不仅是个优秀的学生，更是一个有责任心、关心他人的好孩子。他的毅力和热情激励着他的同学们。”

## 六、结语

我们作为父母，对Tommy的成长过程感到无比骄傲。尽管他从小面临着诸多的身体挑战，但他从未因此放弃对生活的热情，反而通过自己的努力与坚持，在学业、社区服务和个人成长上都取得了非凡的成就。我们相信，Tommy是一个充满希望和正直的人，他将继续为社会做出更多的贡献。

CHARACTER REFERENCE LETTERS FOR TOMMY LIN

DATE: 5/23/2025

Re: Letter to the Judge in Relation to the Court Sentencing of Tommy Lin

To the Sentencing Judge McMahon:

I humbly ask your honor that you show utmost leniency in your choice of a sentence with respect to Tommy Lin's criminal case. I am appealing and pleading for your clemency as community leader and friend of Tommy Lin.

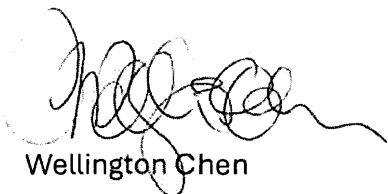
I can attest that he has shown sincere remorse for his infraction and offense. Your honor, Tommy Lin is a good and honest family man. I have known and worked with him as the Executive Director of the Chinatown Partnership/Local Development Corporation for over 20 years and I have never witnessed or have known of any instance that Tommy Lin committed an offense which constitutes as grave misconduct or actions showing his moral depravity. Our organization even honored/awarded him our 2019 Civil Award during our 2019 annual gala for the positive contributions he has provided our community and members.

I also know that Tommy Lin accepts and knows that he has done something wrong and understands that he needs to make reparations for it.

Tommy Lin is an active member of a nonprofit organization. He had participated in several charitable and social development campaigns and programs. He is a friendly and approachable person in the community and a family man. We are willing to accept him if he is sentenced to community service.

Your honor, I hope you consider the preceding information in sentencing him

Thank you for accepting and taking time to read my letter.



Wellington Chen



May 11, 2025

**To Whom It May Concern,**

I am writing to express my support for Tommy Lin and to respectfully request leniency in his case. I have known Tommy for over 14 years through our work in city government, and throughout this time, I have been consistently impressed by his professionalism, kindness, reliability, and willingness to go above and beyond when needed.

Tommy's dedication to volunteer work and public service is a true testament to his character. I have personally witnessed his commitment to serving the community—especially giving back to our seniors and those in need—through initiatives such as our annual turkey giveaways and mooncake distributions during the Autumn Moon Festival. From his time at the NYC Public Advocate's Office in 2009 to his current role at the NYC Department of Environmental Protection, Tommy has supported these efforts every year for over 14 years, even after leaving public office.

Including in his volunteerism, Tommy has personally assisted with many complicated and sensitive constituent cases our organization has helped to assist the public with often going out of his way to help people in dire situations. He has stepped in to support individuals and families dealing with crises such as fires, evictions, homelessness, and family domestic violence issues. These are not easy cases, yet Tommy has shown compassion, discretion, and unwavering dedication to helping those most in need.

What is especially inspiring is that despite being physically handicapped, Tommy never hesitates to be on the front lines—whether handing out food to the community or advocating behind the scenes for constituents in urgent need. His dedication, empathy, and integrity are a true reflection of someone who wants to make a lasting and positive impact.



While I am aware of the charges against Tommy Lin, I believe he has learned from this experience and is genuinely remorseful. I have full confidence that he will continue to make amends and serve the community in meaningful ways.

I respectfully urge you to consider Tommy's extensive history of public service and community support when determining your sentence. I truly believe that a sentence of non-incarceration would be just and fair, and would allow him to continue his positive contributions to society.

Thank you for your time and consideration. Please feel free to contact me at (646) 330 - 8000.

Sincerely,

Kenneth Chiu

Asian American Communities Empowerment (BRACE)

Co – Founder, Vice President



**The Public Advocate for the City of New York**

**Betsy Gotbaum**  
Public Advocate

December 30, 2009

To Whom It May Concern:

I would like to offer my highest recommendation for Tommy Lin. Mr. Lin has been employed here in the New York City Public Advocate's Office since November, 2006; first in our Ombuds Department and then as Manhattan Borough Representative in our Community Affairs unit. He also served as our city-wide Asian-American rep, being fluent in Mandarin and Cantonese.

Mr. Lin possesses a terrific work-ethic; he is responsible and responsive, a consummate team player and he is dedicated to the mission of this office: to help serve the most vulnerable among us.

Besides being a joy to work with, Tommy is a self starter able to come up with ideas for initiatives and events, as well as solutions to problems that may arise. He is extremely professional and carries himself well in any environment.

Without hesitation, I believe Tommy Lin would be an asset to any company, organization, or government agency.

Sincerely,



Mark Benoit  
Chief of Staff





W.LIANG'S MEDICAL OFFICE, PC  
132-34 41<sup>ST</sup> AVE, 1<sup>ST</sup> FL  
Flushing, NY 11355

Tel: 718-886-1150 Fax: 718-886-1185

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March 22, 2025

Re: LIN, TOMMY (DOB: 05/25/1981)

To whom it may concern:

This is to certify that Mr. Tommy Lin has history of cerebral palsy resulting in walking difficulty, even though with orthopedic surgery for the correction of his malformation lower extremity. He still has severe balance issues and difficulty walking.

Please feel free to contact us if you have any further questions.

Sincerely,

Weining Liang M.D

W. Liang's Medical Office  
Weining Liang, M.D.  
132-34 41<sup>st</sup> Ave., 1<sup>st</sup> FL, Flushing, NY 11355  
Tel : 718-886-1150  
Fax: 718-886-1185

New York State Assembly  
Certificate of Merit

*Presented To*

**TOMMY LIN**

*Director of Constituent Services,  
NYC Office of the Mayor Community Affairs Unit*

***IN RECOGNITION OF YOUR OUTSTANDING CONTRIBUTIONS TO THE CHINATOWN COMMUNITY***

*June, 2017*

  
Felix W. Ortiz  
Assistant Speaker